

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants: David W. Farchmin
Application No.: 10/675,535
Filing Date: September 30, 2003
Title: Wireless Location Based Automated Components
Atty Docket No.: 110003.00051.03AB206
Examiner: Jennifer L. Norton

**REQUEST FOR CORRECTED FILING DATE OF PRE-APPEAL BRIEF REQUEST
FOR REVIEW UNDER 37 CFR § 1.8(a)
AND
RECONSIDERATION OF PRE-APPEAL BRIEF REQUEST FOR REVIEW**

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

We are in receipt of a Notice of Defective Pre-Appeal Brief Request for Review mailed on February 25, 2009 for the above-identified patent application. As indicated in the Notice, the filing date awarded by the USPTO for Applicant's Pre-Appeal Brief Request for Review is the actual date of receipt, i.e., February 17, 2009.

Per 37 CFR § 1.8(a):

(1) Correspondence will be considered as being timely filed if:

(i) The correspondence is mailed or transmitted prior to expiration of the set period of time by being:

(A) Addressed as set out in § 1.1(a) and deposited with the U.S. Postal Service with sufficient postage as first class mail...and

(ii) The correspondence includes a certificate for each piece of correspondence stating the date of deposit or transmission.

Applicant's Pre-Appeal Brief Request for Review was addressed as set out in 37 CFR § 1.1(a) and personally deposited with the U.S. Postal Service with sufficient postage as first class mail by the undersigned on February 10, 2009. Further, as evidenced by the attached copy, Applicant's Pre-Appeal Brief Request for Review includes a certificate listing the date of deposit as February 10, 2009. Therefore, the facts clearly show that Applicant's Pre-Appeal Brief Request for Review is entitled to a

filing date of February 10, 2009 and thus, correction of said filing date is respectfully requested.

A Notice of Appeal was also filed on February 10, 2009 in compliance with 37 CFR § 41.31. As such, the Pre-Appeal Brief Request for Review is believed to be in compliance with the USPTO's submission requirements. This sentiment was shared by Supervisory Patent Examiner Eddie C. Lee in a teleconference with the undersigned on Tuesday, March 17, 2009. Therefore, reconsideration of Applicant's Pre-Appeal Brief Request for Review is respectfully requested.

No fee is believed due in connection with this submission. However, if any fee is deemed to be due, please charge such fee to Deposit Account No. 17-0055.

Respectfully submitted,

David W. Farchmin

Dated: March 20, 2009

By: 

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PRE-APPEAL BRIEF REQUEST FOR REVIEW

Docket Number (Optional)

110003.00051.03AB206

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to "Mail Stop AF, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450" [37 CFR 1.8(e)]

on February 10, 2009

Signature

Typed or printed name Benjamin J. Peirce

Application Number

10/675,535

Filed

September 30, 2003

First Named Inventor

David W. Farchmin

Art Unit

2121

Examiner

Jennifer L. Norton

Applicant requests review of the final rejection in the above-identified application. No amendments are being filed with this request.

This request is being filed with a notice of appeal. *(Filed electronically)*

The review is requested for the reason(s) stated on the attached sheet(s).

Note: No more than five (5) pages may be provided.

I am the

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applicant/inventor.

☐

assignee of record of the entire interest.

See 37 CFR 3.71. Statement under 37 CFR 3.73(b) is enclosed.
(Form PTO/SB/96)

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attorney or agent of record.

Registration number 60,481

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attorney or agent acting under 37 CFR 1.34.

Registration number if acting under 37 CFR 1.34

Benjamin J. Peirce

Typed or printed name

414-277-5249

Telephone number

February 10, 2009

Date

NOTE: Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required. Submit multiple forms if more than one signature is required, see below.

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*Total of 1 forms are submitted.

This collection of information is required by 35 U.S.C. 132. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11, 1.14 and 41.6. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Mail Stop AF, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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